



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,288	03/01/2000	Martin Kelly Jones	050119-1060	3471

7590

12/09/2002

Scott A Horstemeyer  
Thomas Kayden Horstemeyer & Risley LLP  
100 Galleria Parkway N W Suite 1750  
Atlanta, GA 30339-5948

EXAMINER

REAGAN, JAMES A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

# Office Action Summary

Application No.

09/516,288

Applicant(s)

JONES, MARTIN KELLY

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment received on 23 October 2002.
2. Claim 6 has been amended (paper #9).
3. Claims 1-23 have been examined.
4. The rejections of claims 1-23 are unchanged.

## **RESPONSE TO ARGUMENTS**

5. Applicant's arguments received on 12 March 2002 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to

Art Unit: 3621

do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the present invention is drawn to a package delivery service, such as Federal Express, United Parcel Service, or the US Mail. Other transportation services that carry packages include American Airlines, Amtrak, Greyhound, and Carnival Cruise Lines. Although some of these transportation services are primarily concerned with relocating people, each service also carries packages, either for delivery or for consumption along the transit route. It is therefore obvious to one of ordinary skill in the transportation arts to see the similarities of moving people and packages together or separately. Each has a point of entry, a destination, a weight, specific handling requirements, etc. Except for minor differences in handling, moving people entails nearly the same objectives and goals as moving packages. Therefore, the use of Schmier as a primary reference is correct. Nathanson discloses a vehicle dispatch system, which may be used by an organization such as Federal Express, making it analogous art. Fruchey discloses an early warning system for approaching transportation vehicles, which is also analogous art and may be applied not only to package deliveries, but also to airlines. Since it is well-known in the delivery arts to use bar code scanners and RF ID tags, Bar Code and Hitchcock are also analogous art.

The suggestion to combine each of these references is simply defined in the classification of the application. Since this is a Business Methods patent application, and the goal of every business is to make money, any electronic tool, product, or piece of software that enables an organization to increase efficiency and/or profitability is an analogous piece of art. In the delivery arts, transportation, notifications, computer routing networks, bar code and scanning machines, and weight scales are all part of the modern package/person delivery system, and are therefore relevant to the claimed methods and systems for delivering packages. Business Methods is based on computers, computing software, networks, and software tools for the purpose of conducting electronic commerce. Since each of the applied references includes aspects of this class of patents, and since each analogous reference is used in the delivery arts, the motivation to combine is correct as shown.

With regard to the assertion that the Examiner may not use the Applicant's disclosure as prior art, or that there is no motivation to combine the specification with other references, the Examiner would like to point out that it was only the background of the specification which was relied upon as prior art. Obviously, if the Applicant feels that some aspects of the invention are old and well-known in the package delivery arts, then it would be of no consequence to the Applicant if some claim limitations were shown to be obvious or well-known. In addition, since the background of the disclosure is obviously related to the claimed invention, the motivation to combine is clear and correct. As utilized, the

background itself is not a template or instruction manual for combining references in order to fabricate a combination. The background merely contains old and well-known aspects of the invention that any person of ordinary skill in the art would agree are old and well-known, and therefore obvious.

With regard to the limitations of claim 1, Applicant argues, "The Schmier/disclosure combination would not result in the claimed system for at least the reason that the passenger delivery system in *Schmier* does not "identify[] packages that are to be delivered by a vehicle," "indicat[e] an order that said vehicle is expected to deliver said packages," and does not "determine, based on said order, a second time period that said vehicle is expected to deliver one of said packages," as recited in claim 1." Examiner disagrees and points to the explicit rejection from the previous Office action reprinted below for the convenience of the Applicant. The combination of Schmier/Applicant addresses packages delivered by vehicle, delivery time, delivery order, and a second, updated delivery time.

With regard to the limitations of claim 4, Applicant argues, "...the system in *Schmier* apparently does not identify in notification messages which packages are to be received by a particular recipient." However, as pointed out in the previous Office action, "It is inherent, though, to identify the recipient along with the delivery schedule, since the schedule is a record and a plan of all delivery stops to the recipients of the packages that are to be delivered. Obviously, without a recipient, there would be no delivery." Furthermore, in response to

applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the system in *Schmier* apparently does not identify in notification messages which packages are to be received by a particular recipient) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 4 calls for a vehicle schedule to identify each recipient, and the notification message to identify the packages.

With regard to the limitations of claim 5, Applicant argues, "The *Schmier/disclosure/Hitchcock* combination would not result in the claimed system for at least the reason that the passenger delivery system in *Schmier* apparently does not assign packages to particular vehicles and therefore cannot detect when a particular package has been assigned to a vehicle." Examiner disagrees, and points to the previous Office action, *Hitchcock*, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded.

With regard to the limitations of claim 6, Applicant argues, "The *Schmier/disclosure/Hitchcock* combination would not result in the claimed system for at least the reason that the passenger delivery system in *Schmier* apparently does not assign particular packages to particular vehicles and therefore cannot

detect such assignments. Hence, the *Schmier/disclosure/Hitchcock* combination simply would not result in Applicant's claimed invention." Examiner disagrees, and points to the previous Office action, *Hitchcock*, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded.

With regard to the limitations of claim 9, Applicant argues, "...*Schmier* seemingly suggests broadcasting information regarding the location and arrival of transit vehicles and does not transmit information regarding the sender of a package that is to be delivered by a delivery vehicle." Examiner disagrees, and points to the previous Office action, *Hitchcock*, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. *Hitchcock* also discloses that the trading partners are sent an Automatic Shipping Notice (electronic invoice) after the truck departs, inherently disclosing that the sender of the shipment, which is normally included on any typical invoice.

With regard to the limitations of claim 10, Applicant argues, "a passenger notification system of *Schmier* does not disclose, teach, or suggest an order for delivering packages that can be incorporated or combined with a barcode system of *Hitchcock* to result in the system of claim 10." Examiner disagrees and points to the explicit rejection of claim 10 from the previous Office action. The combination of *Schmier*/Applicant addresses packages delivered by vehicle,



delivery time, delivery order, and a second, updated delivery time. As also shown in the previous Office action, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. The motivation for combining these references has been addressed above.

With regard to the limitations of claim 12, Applicant argues, "The *Schmier/disclosure/Hitchcock* combination would not result in the claimed method for at least the reason that the passenger delivery process in *Schmier* apparently does not assign particular packages to vehicles and does not determine an order of delivery for the packages." Examiner disagrees and points to the explicit rejection of claim 12 from the previous Office action, wherein *Schmier* discloses a public transit vehicle arrival information system and a route information and schedule (column 4, lines 17-20), and Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded.

With regard to the limitations of claim 12, Applicant argues, "*Schmier* does not appear to determine whether a particular package is to be delivered during a time period." Examiner disagrees and points to the rejection of claim 14 from the previous Office action, wherein *Schmier* discloses an updated schedule based on the processor broadcasts (column 4, lines 51-60). Naturally, the update may be

a revised time of arrival, since an updated schedule implies a revised delivery time.

With regard to the limitations of claim 16, Applicant argues, "The *Schmier/disclosure/Hitchcock* combination would not result in the claimed method for at least the reason that the passenger delivery process in *Schmier* apparently does not assign a particular package to a vehicle and therefore cannot detect when a particular package has been assigned to a vehicle." Examiner disagrees, and points to the previous Office action, *Hitchcock*, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded.

With regard to the limitations of claim 18, Applicant argues, "...the steps of 'storing data indicating whether said package is assigned to a vehicle, analyzing said data; and performing said detecting step based on said analyzing step,' as recited in claim 18, is not disclosed or suggest by either *Schmier*, the disclosure, or *Hitchcock*." Examiner disagrees and points to the explicit rejection of claim 18 in the previous office action. Since the limitations of claim 18 were silent to the specific details of how data is analyzed, how to accomplish a detecting step, and how to store the vehicle data, the examiner has viewed the limitations with the broadest reasonable interpretation. The reasons for the rejections are sounding stated in the rejection of claim 18 below.

With regard to the limitations of claim 21, Applicant argues, "...*Schmier* seemingly suggests the broadcasting of information regarding the location and arrival of transit vehicles and does not suggest transmitting information regarding the sender of a package that is to be delivered by a delivery vehicle." Examiner disagrees and points to the rejection of claim 21 in the previous Office action, wherein Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. Hitchcock also discloses that the trading partners are sent an Automatic Shipping Notice (electronic invoice) after the truck departs, inherently disclosing that the sender of the shipment, which is normally included on any typical invoice. Since transmitting the same information is routinely accomplished using telephones, computer networks, and regular mail, it is equally obvious to send the same data wirelessly either in a digitized format, or by analog carrier wave modulated by human voice. Including sender information is merely a design choice with regard to the type of information provided.

With regard to the limitations of claim 8, Applicant argues, "Specifically, the feature wherein 'said package data indicates whether said one package has been assigned to said vehicle and said system detects when said one package has been assigned to said vehicle by analyzing said package data,' as recited in claim 8, is not disclosed or suggest by either *Schmier*, the disclosure, *Hitchcock*, or Bar Code. For example, the system in *Schmier* does not appear to suggest or be compatible with assigning passengers to a transit vehicle." Examiner

disagrees, and points out that system of Schmier is exceptionally compatible with assigning passengers to transit vehicles, as shown above. The combination of Schmier/Applicant/Hitchcock/Bar Code does disclose the use of RF ID tags that are a form of labeling using electronic labels. Inherently, any unique identifier and associated information may be placed on to the electronic label, such as vehicle and container ID's, recipients, senders and their associated addresses. All data encoded onto the RF ID tag is accessible from a specialized RF tag reader (pages 7-8).

With regard to the limitations of claim 11, Applicant argues, "...a transit vehicle in the *Schmier* system seemingly does not approach the premises of package recipients." Examiner points to the rejection of claims 11 and 20, wherein Fruchey, in column 1, lines 63-68 discloses a separate signal which triggers an alarm when a transport vehicle is within a predetermined pick up area. In combination with Schmier/Applicant/Hitchcock, the limitations of claim 11 are obvious.

With regard to the limitations of claim 20, Applicant argues, "...the system in *Schmier* does not appear to suggest a method for sending out a notification message to a recipient of a package within a predefined proximity." Examiner points to the rejection of claims 11 and 20, wherein Fruchey, in column 1, lines 63-68 discloses a separate signal which triggers an alarm when a transport vehicle is within a predetermined pick up area. In combination with Schmier/Applicant/Hitchcock, the limitations of claim 20 are obvious.

With regard to the limitations of claim 22, Applicant argues, "...the step of 'indicating, via said notification message, a weight of said package' as recited in claim 22, is not disclosed or suggest by either *Schmier*, the disclosure, *Hitchcock*, or *Nathanson*." Examiner disagrees, and points to the rejection of claim 22. Obviously, if the weight of a package is a consideration, then it is known to the shipping personnel. Including the weight of the package in any notification sent to any receiving entity would be an obvious modification of the aforementioned notifications. That is, if a sender's name can be included on a notification message, it is just as easy to include the weight of the package I question.

With regard to the limitations of claim 23, Applicant argues, "...the steps of 'maintaining a web page; receiving contact information via said web page; and utilizing said contact information to perform said transmitting step' as recited in claim 23, is not disclosed or suggest by either *Schmier*, the disclosure, *Hitchcock*, or *Nathanson*." Examiner disagrees, and points to the rejection of claim 23 in the previous office action, wherein *Schmier* discloses *maintaining a web page*, communicating transit updates to the Internet and World Wide Web (column 6, lines 62-65), inherently disclosing a web page or web site. *Nathanson* discloses a network (column 2, lines 54-58), inherently disclosing Internet capabilities. *Nathanson* also discloses pick up and delivery information contained on the computer network. Maintaining web-based tracking systems is common in the package delivery arts, as shown by *Schmier* and *Nathanson*.

6. The following is a **Final Rejection** of all claims and associated limitations pending in the current application as amended in paper #7.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier et al. (US 6,006,159) in view of Applicant's own admission.

#### **Claim 1:**

Schmier inherently discloses the use of a memory device, given that Schmier discloses a processor. Schmier does not disclose *memory storing a*

*vehicle schedule*. However, Applicant, on page 2, lines 9-12, cites a routine schedule for package delivery. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Storing the schedule on a memory device provides a convenient way to access and modify vehicle routines and schedules. Since package delivery and passenger delivery are similar in intent and purpose, applying the techniques and procedures to each are intuitive as well as cross-functional. In addition, Schmier does not disclose a *said vehicle schedule identifying packages that are to be delivered by a vehicle during a first time period*. However, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address at a certain time on a certain day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery to the customer.

With regard to the limitation of:

- *indicating an order that said vehicle is expected to deliver said packages*, Schmier discloses a public transit vehicle arrival information system and a route information and schedule (column 4, lines 17-20).

- *a first communications device configured to establish communication with remote communications devices*, Schmier discloses a processor in each vehicle with GPS, PLSS and other sensor information as inputs and a transceiver for communication outside of the vehicle to a central processor (column 3, lines 51-59).
- *a system manager configured to analyze said vehicle schedule and to determine, based on said order, a second time period that said vehicle is expected to deliver one of said packages*, Schmier discloses an updated schedule based on the processor broadcasts (column 4, lines 51-60).
- *said system manager further configured to transmit a notification message via said first communications device*, Schmier discloses a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60).
- *said notification message identifying said second time period*, Schmier discloses an updated schedule based on the processor broadcasts (column 4, lines 51-60). Naturally, the update may be a revised time of arrival.



Schmier does not disclose that *wherein said second time period is within said first time period*. However, Applicant, on page 2, lines 1-5, does disclose that a package is not only promised on a certain day, but also within a time frame during the day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery system for the recipients. If a shipping company can promise a package during a smaller time interval, the value to the customer is increased. Naturally, as the system updates the arrival time as disclosed above by Schmier, the accuracy of the second time period increases.

**Claim 2:**

Schmier/Applicant combine to teach the limitations as recited in claim 1. Schmier/Applicant do not specifically disclose that *said notification message is an e-mail message*. Schmier, however, does disclose that a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60). Specially addressable displays include email addresses, inherently indicating that updated transit times can be sent to recipients via an email provider.

Art Unit: 3621

**Claim 3:**

Schmier/Applicant combine to teach the limitations as recited in claim 1. Schmier/Applicant do not specifically disclose that *said first time period is a day*. However, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address on a certain day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee delivery days, thereby providing a more efficient delivery service to the customer.

**Claim 4:**

Schmier/Applicant combine to teach the limitations as recited in claim 1. Schmier/Applicant do not specifically disclose that *said vehicle schedule identifies each recipient that is to receive at least one of said packages*. It is inherent, though, to identify the recipient along with the delivery schedule, since the schedule is a record and a plan of all delivery stops to the recipients of the packages that are to be delivered. Obviously, without a recipient, there would be no delivery.

Schmier/Applicant combine to teach the limitations as recited in claim 1. With regard to the limitation of *said notification message identifying each of said packages to be received by one of said recipients during said first time period*, Applicant discloses that delivery services routinely guarantee package delivery on a certain day, and that notices are routinely sent to the recipient concerning

Art Unit: 3621

the delivery (page 2, lines 1-5). Schmier/Applicant do not specifically disclose that the notice is sent regarding all packages to be delivered that day. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the notification message information regarding all package deliveries that, inherently, would arrive at the same time, with the same truck, and the same delivery service. By including in the message all intended deliveries, one message may be sent instead of multiple messages, decreasing possible confusion and redundant information.

9. Claims 5-7, 9, 10, 12-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier/Applicant in view of Hitchcock, "The Big Hiccup (April 1996).

**Claim 5:**

As shown in the rejection of claims 1-4 above, the combination of Schmier/Applicant disclose:

- memory storing package data identifying a plurality of packages that are to be respectively delivered to a plurality of recipients (Applicant, on page 2, lines 9-12).
- a first communications device configured to establish communication with remote communications devices (Schmier column 3, lines 51-59).

Schmier/Applicant do not disclose that *a system manager configured to detect when one of said packages has been assigned to a vehicle for delivery to one of said recipients*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

In addition, Schmier/Applicant do not disclose that *said system manager further configured to transmit a notification message via said first communications device in response to a detection that said one of said packages has been assigned to said vehicle*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. Hitchcock also discloses that the trading partners are sent an Automatic Shipping Notice after the truck departs. This links the carton with the truck until the cartoon is unloaded and tells the recipients that the order is on the way. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. Sending notifications when the items are onboard and being shipped provides

the recipient with near real-time update information, improving customer satisfaction and overall efficiency.

**Claim 6:**

Schmier/Applicant/Hitchcock disclose the system as shown in the rejection of claim 5 above. Schmier/Applicant/Hitchcock do not disclose that *a scanner configured to scan a label of said one package and to identify said one package based on said label, wherein said system manager detects that that said package has been assigned to said vehicle based on whether said scanner has identified said one package.* However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

**Claim 7:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 5. Schmier/Applicant/Hitchcock do not specifically disclose that *said notification message is an e-mail message.* Schmier, however, does disclose that a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-

40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60). Specially addressable displays include email addresses, inherently indicating that updated transit times can be sent to recipients via an email provider.

**Claim 9:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 5. Schmier/Applicant/Hitchcock do not disclose that *said notification message identifies a sender of said one package*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. Hitchcock also discloses that the trading partners are sent an Automatic Shipping Notice (electronic invoice) after the truck departs, inherently disclosing that the sender of the shipment, which is normally included on any typical invoice. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and Hitchcock's tracking and notification system. Sending notifications when the items are onboard and being shipped provides the recipient with near real-time update information, improving customer satisfaction and overall efficiency.

**Claim 10:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 5. Schmier/Applicant/Hitchcock do not disclose *said package data indicates that said packages are to be delivered by said vehicle*. However,

Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded (see the rejection of claim 6 above). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

In addition, Schmier/Applicant/Hitchcock do not disclose *indicates an order that said vehicle is expected to deliver said packages*. However, Schmier does disclose a public transit vehicle arrival information system and a route information and schedule (column 4, lines 17-20). See the rejection of claim 1 above.

Furthermore, Schmier/Applicant/Hitchcock do not disclose *wherein said system manager is further configured to determine, based on said order, that said one package is expected to be delivered during a particular time period*, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address at a certain time on a certain day (see the rejection of claim 1 above). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant and the tracking system of

Hitchcock. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery to the customer.

Additionally, Schmier/Applicant/Hitchcock do not disclose *said notification message indicating that said one package is expected to be delivered during said particular time period*. However, Schmier discloses a transit data table that is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60).

**Claim 12:**

With regard to the limitation of:

- *receiving a plurality of packages*, it is inherent that a package delivery system would receive a plurality of packages for delivery.
- *determining an order that said vehicle is to deliver said packages*, Schmier discloses a public transit vehicle arrival information system and a route information and schedule (column 4, lines 17-20).
- *causing a notification message to be transmitted to said recipient based on said determining a first time period step*, Schmier discloses a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60).



- *indicating said first time period via said notification message*, it is obvious to inform the recipient of the estimated time of arrival while informing the recipient of the arrival of the package.
- *simultaneously transporting each of said packages via said vehicle*, it is obvious to have each of the packages on board the vehicle when the notice is sent that the packages are on their way.
- *transporting said one package to a premises of said recipient via said vehicle*, it is inherent to a delivery service to deliver the package to the recipient using the delivery vehicle.

Schmier/Applicant do not disclose *assigning each of said packages to a vehicle*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

In addition, Schmier does not disclose *determining, based on said order, a first time period that said vehicle is expected to deliver one of said packages to a recipient*. However, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address at a certain time on a certain day. It

would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery to the customer.

**Claim 13:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 12. Schmier/Applicant/Hitchcock do not specifically disclose that *said notification message is an e-mail message*. Schmier, however, does disclose that a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60). Specially addressable displays include email addresses, inherently indicating that updated delivery times can be sent to recipients via an email provider.

**Claim 14:**

With regard to the limitation of *determining whether each of said packages is expected to be delivered during a second time period*, Schmier discloses an updated schedule based on the processor broadcasts (column 4, lines 51-60). Naturally, the update may be a revised time of arrival.

Schmier/Applicant do not disclose that *performing said assigning step based on said determining whether step*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart

as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. Although Hitchcock does not specifically disclose that a package is assigned to a truck after a revised delivery time is scheduled, it would have been obvious to one of ordinary skill in the art to reassign the package to another truck if the time of delivery is changed or altered in some way. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction. Scanning items as they are brought off of delivery trucks and placed onto other trucks, accuracy in delivery and positive inventory control may be maintained, which also increases the efficiency of the system.

Schmier does not disclose that *wherein said first time period is within said second time period*. However, Applicant, on page 2, lines 1-5, does disclose that a package is not only promised on a certain day, but also within a time frame during the day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery system for the recipients. If a shipping company can promise a package during a smaller time interval, the value to the customer is increased. Naturally, as the system updates the arrival time as disclosed above by Schmier, the accuracy of the

second time period increases. If for some reason a package cannot be delivered at a promised time, then a secondary time may be relied upon for notification purposes, thereby maintaining customer satisfaction and delivery efficiency.

**Claim 15:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 14. Schmier/Applicant/Hitchcock do not specifically disclose that *said second time period is a day*. However, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address on a certain day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee delivery days, thereby providing a more efficient delivery service to the customer.

**Claim 16:**

With regard to the limitation of:

- *receiving a package for delivery to a premises of a recipient, , it is inherent that a package delivery system would receive a package for delivery.*
- *transporting said package to said premises via said vehicle, it is inherent to a delivery service to deliver the package to the recipient using the delivery vehicle.*

Schmier/Applicant do not disclose *assigning said package to a vehicle*. However, Hitchcock, on page 3, discloses using a barcode label and scanning

system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

Schmier/Applicant do not disclose that *detecting when said package is assigned to said vehicle*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction.

In addition, Schmier/Applicant do not disclose *producing a notification message in response to said detecting step, said notification message indicating a time period in which said package is expected to be delivered at said premises*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. Hitchcock also discloses that the trading partners are sent an Automatic Shipping Notice after the truck departs. This links the carton with the

truck until the cartoon is unloaded and tells the recipients that the order is on the way. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. Sending notifications when the items are onboard and being shipped provides the recipient with near real-time update information, improving customer satisfaction and overall efficiency.

Furthermore, Schmier/Applicant do not disclose *said notification message indicating a time period in which said package is expected to be delivered at said premises*. However, Applicant, on page 2, lines 1-4, discloses that a package is guaranteed to be delivered to an address at a certain time on a certain day. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the passenger delivery system of Schmier with the package delivery system cited by the Applicant. Shipping companies routinely guarantee a delivery time, thereby providing a more efficient delivery to the customer.

Schmier/Applicant do not disclose *transmitting said notification message to a communications device located at said premises*. However, Schmier does disclose sending a page to the recipient (column 5, lines 8-10), sending information on the Internet and the World Wide Web, inherently disclosing sending the information to the premises (column 6, lines 61-65), and any number of other personal communication systems (column 7, lines 2-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the notification systems of Schmier with the Applicant's product delivery

system because sending notifications directly to the premises wherein the recipient is located provides good customer service by saving the recipient time and preventing possible confusion.

**Claim 17:**

Schmier/Applicant/Hitchcock disclose the system as shown in the rejection of claim 16 above. Schmier/Applicant/Hitchcock do not disclose *scanning a label of said package, wherein said detecting step further includes the step of detecting said scanning step*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. This links the carton with the truck until the cartoon is unloaded. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock. By scanning the items as they are placed onto the trucks, accuracy in delivery is increased which improves customer satisfaction. Inherently, as each carton or package is scanned, the report is sent to a central database for storage.

**Claim 18:**

Schmier/Applicant/Hitchcock do not specifically disclose:

- *storing data indicating whether said package is assigned to a vehicle*. However, it is inherent to all delivery systems to store a record of their deliveries. It would be obvious to one of ordinary skill in the art at the time of the invention to store the delivery and

tracking data because tracking inventory and delivery status requires some form of a database storage system.

- *analyzing said data.* However, it is inherent to all delivery companies to analyze data regarding delivery of packages at least to the degree of ensuring that all mailing addresses are complete and accurate. It would be obvious to one of ordinary skill in the art at the time of the invention to analyze delivery data and status because delivery companies also routinely analyze tracking data when inventories are moved or shipped.
- *performing said detecting step based on said analyzing step.* However, it is inherent that all delivery systems ensure that each package is properly placed onboard the correct truck. It would be obvious to one of ordinary skill in the art at the time of the invention to detect whether a package is on the proper vehicle after examining the delivery data because delivering packages late or not at all decreases customer satisfaction and reduces efficiency.

**Claim 19:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 16. Schmier/Applicant/Hitchcock do not specifically disclose that *said notification message is an e-mail message*. Schmier, however, does disclose that a transit data table which is broadcast with information regarding the transit and arrival times of the vehicles from the central processor (column 4, lines 22-



40) to the serviceable transit area and to specially addressable displays (column 4, lines 54-60). Specially addressable displays include email addresses, inherently indicating that updated delivery times can be sent to recipients via an email provider.

**Claim 21:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 16. Schmier/Applicant/Hitchcock do not disclose that *said notification message identifies a sender of said one package*. However, Hitchcock, on page 3, discloses using a barcode label and scanning system to track each shipping cart as it is loaded on to a truck for delivery to the recipient. Hitchcock also discloses that the trading partners are sent an Automatic Shipping Notice (electronic invoice) after the truck departs, inherently disclosing that the sender of the shipment, which is normally included on any typical invoice. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and Hitchcock's tracking and notification system. Sending notifications when the items are onboard and being shipped provides the recipient with near real-time update information, improving customer satisfaction and overall efficiency.

Art Unit: 3621

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier/Applicant/ Hitchcock in view of Bar Code (June 1999).

**Claim 8:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 5. Schmier/Applicant/Hitchcock do not specifically disclose that *said package data indicates whether said one package has been assigned to said vehicle and said system detects when said one package has been assigned to said vehicle by analyzing said package data*. Bar Code, however, does disclose the use of RF ID tags that are a form of labeling using electronic labels. Inherently, any unique identifier and associated information may be placed on to the electronic label, such as vehicle and container ID's, recipients, senders and their associated addresses. All data encoded onto the RF ID tag is accessible from a specialized RF tag reader (pages 7-8). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock with the RF ID system of Bar Code. The RF ID system provides accurate and timely information regarding the processing of shipped goods, thereby increasing efficiency and productivity.

Art Unit: 3621

11. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier/Applicant/ Hitchcock in view of Fruchey et al. (US 4,297,672).

**Claims 11 and 20:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claims 5 and 16. Schmier/Applicant/Hitchcock do not specifically disclose that *said system manager is further configured to determine when said vehicle is within a predefined proximity of a premises of said one recipient based on signals transmitted from said vehicle, said system manager further configured to transmit a second notification message when said vehicle is within said predefined proximity*. Fruchey, however, in column 1, lines 63-68 does disclose a separate signal which triggers an alarm when a transport vehicle is within a predetermined pick up area. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking system of Hitchcock with the proximity alarm system of Fruchey. Although Fruchey does not explicitly disclose that the signal triggers a second notification message, the proximity indicator used in conjunction with the tracking system would provide a second signal to announce in advanced the approach of the vehicle to the responsible party, providing a valuable customer service and a more efficient delivery system.

Art Unit: 3621

12. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier/Applicant/ Hitchcock in view of Nathanson et al. (US 5,122,959).

**Claim 22:**

Schmier/Applicant/Hitchcock combine to teach the limitation of sending a notification message as recited in claim 16. Schmier/Applicant/Hitchcock do not specifically disclose the *step of indicating, via said notification message, a weight of said package*. Nathanson, however, in column 2, lines 65-68, does disclose ensuring that the vehicle can handle the weight of the package, inherently disclosing that the weight of the package is known. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery system cited by Schmier/Applicant and the tracking and notification system of Hitchcock with the load weight as described by Nathanson to inform the recipient of the weight of the arriving package. Notifying recipients of the status and specifications of a delivery in advance permits the recipient to prepare for the delivery, minimizing possible confusion and inefficiency.

**Claim 23:**

Schmier/Applicant/Hitchcock combine to teach the limitations as recited in claim 16. Schmier/Applicant/Hitchcock do not specifically disclose *maintaining a web page or receiving contact information via said web page*. However, Schmier discloses *maintaining a web page*, communicating transit updates to the Internet and World Wide Web (column 6, lines 62-65), inherently disclosing a web page or web site. Nathanson discloses a network (column 2, lines 54-58), inherently

disclosing Internet capabilities. Nathanson also discloses pick up and delivery information contained on the computer network. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schmier/Applicant/Hitchcock use of the Internet with Nathanson's use of delivery information because using a computer network to organize, track, and maintain deliveries over the Internet is efficient and uncomplicated system for managing a distribution service.

The combination of Schmier/Applicant/Hitchcock/Nathanson as shown above does not specifically disclose *utilizing said contact information to perform said transmitting step*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the contact and delivery information on the web site databases to contact the recipients and inform them that a package is on the way. Inherently, when a delivery notification is sent, it must be sent to the proper recipient. Retrieving the contact information from the system web page is an efficient and effortless way to ensure that the messages are sent to the right people.

**Conclusion**

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

<b>(703) 305-7687</b>	[Official communications; including After Final communications labeled "Box AF"]
<b>(703) 308-1396</b>	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

03 December 2002

  
**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**